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Refugees and stateless persons

IV. RESOLUTIONS ADOPTED ON THE REPORTS OF THE THIRD COMMITTEE

319. Refugees and stateless persons

A

The General Assembly,

Considering that the problem of refugees is international in scope and nature and that its final solution can only be provided by the voluntary repatriation of the refugees or their assimilation within new national communities,

Recognizing the responsibility of the United Nations for the international protection of refugees,

Having examined resolution 248(IX) A¹ of the Economic and Social Council of 6 August 1949, the report² of the Secretary-General of 26 October 1949, and the communications from the General Council of the International Refugee Organization of 11 July 1949³ and of 20 October 1949,⁴

Considering that in its aforementioned resolution the Economic and Social Council requested the Governments of States Members of the United Nations, and of other States, to provide the necessary legal protection for refugees who have been the concern of the International Refugee Organization and recommended that the General Assembly at its fourth session should decide the functions and organizational arrangements, within the framework of the United Nations, necessary for the international protection of refugees after the International Refugee Organization terminates its activities,

1. *Decides* to establish, as of 1 January 1951, a High Commissioner's Office for Refugees in accordance with the provisions of the annex to the present resolution to discharge the functions enumerated therein and such other functions as the General Assembly may from time to time confer upon it;

2. *Decides* that, unless the General Assembly subsequently decides otherwise, no expenditure other than administrative expenditures relating to the functioning of the High Commissioner's Office should be borne on the budget of the United Nations, and that all other expenditures relating to the activities of the High Commissioner should be financed by voluntary contributions;

3. *Requests* the Secretary-General:

(a) To prepare detailed draft provisions for the implementation of the present resolution and the annex⁵ attached thereto, to circulate these draft provisions to Governments for comments, and to submit them to the Economic and Social Council at its eleventh session, together with such comments thereon as may have been received from Governments;

(b) To prepare, in consultation with the Advisory Committee on Administrative and Budgetary Questions, a draft budget for the operation in 1951 of the High Commissioner's Office for Refugees;

4. *Requests* the Economic and Social Council:

(a) To prepare, at its eleventh session, a draft resolution embodying provisions for the functioning of the High Commissioner's Office for Refugees and to submit the draft resolution to the General Assembly for consideration at its fifth regular session;

(b) To transmit to the General Assembly at its fifth regular session such recommendations as the Council may deem appropriate regarding the definitions of the term "refugee" to be applied by the High Commissioner;

5. *Decides* to review, not later than at its eighth regular session, the arrangements for the High Commissioner's Office for Refugees with a view to determining whether the Office should be continued beyond 31 December 1953.

*265th plenary meeting
3 December 1949.*

Annex

1. The High Commissioner's Office for Refugees should:

(a) Be so organized within the framework of the United Nations as to possess the degree of independence and the prestige required for the effective performance of the High Commissioner's duties;

(b) Be financed under the budget of the United Nations; and

(c) Receive policy directives from the United Nations according to methods to be determined by the General Assembly.

2. Means should be provided whereby interested Governments, non-members of the United Nations, may be associated with the work of the High Commissioner's Office.

3. Persons falling under the competence of the High Commissioner's Office for Refugees should be, for the time being, refugees and displaced persons defined in annex of the Constitution of the International Refugee Organization and, thereafter, such persons as the General Assembly may from time to time determine, including any persons brought under the jurisdiction of the High Commissioner's Office under the terms of international conventions or agreements approved by the General Assembly.

4. The High Commissioner, in order to promote, stimulate and facilitate the execution of the most suitable solution to the problem with which he is entrusted, should provide for the protection of refugees and displaced persons falling under the competence of the Office by:

(a) Promoting the conclusion and ratification of international conventions providing for the protection of refugees, supervising the application of the provisions of such conventions, and proposing any necessary amendments thereto;

(b) Promoting through special agreements with Governments, the execution of any measures calculated to improve the situation of refugees and to reduce the number of refugees requiring protection;

(c) Assisting Governments and private organizations in their efforts to promote voluntary repatriation of refugees or their assimilation within new national communities;

(d) Facilitating the co-ordination of the efforts of voluntary agencies concerned with the welfare of refugees.

5. The High Commissioner should distribute among private and, as appropriate, official agencies which he deems best qualified to administer such assistance any funds, public or private, which he may receive for this purpose. He should not, however, appeal to Governments or make a general appeal to non-governmental sources except with the prior approval of the General Assembly. The accounts relating to these funds should be periodically verified by the auditors of the United Nations. For the information of the General Assembly, the High Commissioner should include in his annual report a statement of his activities in this field.

6. The High Commissioner should engage in such additional activities, including repatriation and resettlement activities, as the General Assembly may determine.

7. The High Commissioner should report annually on his work to the General Assembly through the Economic and Social Council.

8. The High Commissioner's work should be of an entirely non-political character and relate as a rule to groups and categories of refugees. In the performance of his duties he should:

(a) Keep in close touch with the Governments and inter-governmental organizations concerned and invite the assistance of the various specialized agencies;

(b) Establish contact in such manner as he may think best with private organizations dealing with refugee questions.

9. The High Commissioner should be elected by the General Assembly, on the nomination of the Secretary-General, for a term of three years from 1 January 1951.

10. The High Commissioner should appoint for a period of three years a deputy High Commissioner, who should not have the same nationality as the High Commissioner. He should also appoint, under the regulations of the United Nations, a small staff of persons devoted to the purposes of the Office to assist him.

11. The High Commissioner should consult the Governments of the countries of residence of refugees as to the need for appointing representatives therein. In any country recognizing such need, he may appoint a representative approved by the Government of that country. Subject to the foregoing, the same representative may serve in more than one country.

12. The High Commissioner's Office for Refugees should be located in Geneva.

B

The General Assembly,

Having taken cognizance of the memorandum addressed to it by the General Council of the International Refugee Organization on 20 October 1949,

Being anxious to give the International Refugee Organization the support without which that Organization does not feel able to complete its task rapidly and fully,

1. *Decides* to address an urgent appeal to all States, whether or not Members of the United Nations, calling upon them to furnish to the International Refugee Organization the widest possible assistance, particularly in respect of the admission and care of refugees in the most destitute categories;

2. *Decides*, in the absence of definite data, to postpone, until its fifth regular session, the examination of the problems of assistance raised by the above-mentioned memorandum, should these problems still be in existence at that date.

*265th plenary meeting,
3 December 1949.*

1 See Official Records of the Economic and Social Council, Fourth Year, Ninth Session, Resolutions, page 58.

2 See Official Records of the fourth session of the General Assembly, Annex to the Third Committee, document A/C.3/527.

3 "See document E/1392.

4 "See Official Records of the fourth session of the General Assembly, Annex to the Third Committee, document A/C.3/528.

5 See Resolutions adopted by the General Assembly during the second part of its first session, page 110.

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